

Magistrate Judge Theiler

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04-MJ-00537-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, } MAGISTRATE'S DOCKET
Plaintiff, } NO. 04-537M
v. }
THANH CONG DINH, } COMPLAINT FOR VIOLATION
Defendant. } of Title 21, United States Code,
 } Sections 841(a)(1), 841(b)(1)
 } and 846

BEFORE Mary Alice Theiler, United States Magistrate Judge,
United States Courthouse, 700 Stewart Street, Seattle, Washington.

COUNT II

(Conspiracy to Distribute Marijuana)

Beginning at a time unknown, but within the last five years, and continuing until on or about May 12, 2004, at Lynden, within the Western District of Washington, and elsewhere, THANH CONG DINH, and other persons known and unknown, knowingly and intentionally did conspire to distribute marijuana, a substance controlled under Schedule 1, Title 21, United States Code, Section 812.

It is further alleged that this offense involved one hundred (100) kilograms or more of a mixture or substance containing a detectable amount of marijuana.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and 846.

I, Mark Albedyll, being duly sworn, depose and state as follows:

1 1. I am a Special Agent with the Bureau of Immigration and Customs Enforcement
 2 (ICE) and have been so employed since 1999. I am currently assigned to the Financial
 3 Investigations Group in Seattle, Washington. I am responsible for enforcing Federal laws
 4 concerning narcotics and controlled substance violations. I have received professional Federal
 5 law enforcement training, and am experienced in the methods used by narcotics traffickers to
 6 smuggle, transport, conceal, and distribute narcotics.

7 2. The information in this affidavit is based upon my own personal observations as
 8 well as information provided to me by other law enforcement officers and persons identified
 9 herein.

10 3. I have personally participated in an ongoing investigation has identified Thuy
 11 Cong Dinh, a Canadian Citizen, as the head of the Dinh Family Drug/Currency Smuggling
 12 Organization out of Abbotsford, British Columbia. I have learned through our investigation,
 13 surveillance and cooperating defendants that THANH CONG DINH, as the younger brother
 14 of Thuy Cong Dinh (a/k/a "T") plays a major role in the organization and is "T's" right hand
 15 man in organizing loads of marijuana smuggled into the United States.

16 4. On May 24, 1999, Thuy Cong Dinh along with 3 other associates were arrested
 17 in the United States after a they were followed out from the Sumas Port of Entry (POE). The
 18 vehicle leaving the Sumas POE met up with another vehicle shortly after, and Thuy Cong
 19 Dinh was the passenger in the pickup vehicle. As the transfer of marijuana was being made to
 20 Dinh's vehicle, agents moved in and arrested all 4 individuals and seized approximately 40
 21 pounds of marijuana. All four were charged and convicted with Conspiracy and Possession of
 22 Marijuana with Intent to Deliver.

23 5. On January 17, 2004, agents seized approximately 593 pounds of BC Bud
 24 Marijuana from a smuggling attempt organized by Thuy Cong Dinh. Two SUV's were used
 25 to smuggle the marijuana into the United States via a wooded trail west of the Lynden Port of
 26 Entry in Lynden, WA. Two subjects were arrested that night, the driver Raymund Sarandi
 27 and passenger Achilles Grakul.

28

1 6. Sarandi and Grakul both advised during their proffers that Thuy Cong Dinh,
 2 (known to both Sarandi & Grakul as "T") was the mastermind of the smuggling attempt, and
 3 that he was head of the smuggling organization in which they took orders from Sarandi also
 4 advised that Dinh has been smuggling marijuana successfully into the United States for over
 5 seven years. Sarandi admitted to being involved in multiple smuggling loads in which he was
 6 paid approximately \$5K for each successful trip. Sarandi positively identified THANH
 7 CONG DINH from a photograph lineup as the little brother of "T", who is a major part of the
 8 marijuana/currency smuggling organization. Sarandi informed agents that THANH CONG
 9 DINH is "T's" right hand man, and the two are always working together in organizing
 10 marijuana loads.

11 7. Sarandi stated that "T" picks up marijuana in Vancouver from Dinh Le, a
 12 Vietnamese male who is a major BC Bud Marijuana supplier out of Richmond, British
 13 Columbia. According to Sarandi, when "T" goes to Vancouver to pick up marijuana from
 14 Le, he will have at least 6 people go along. "T" will never actually pick up the marijuana,
 15 but will make arrangements and be nearby. THANH CONG DINH is the one that physically
 16 picks up the marijuana, and the others will then join and escort the marijuana load back to
 17 Abbotsford where it is smuggled into the United States. Sarandi told agents he had been
 18 present during this process.

19 8. According to phone records, Grakul's cell phone had two missed calls, one from
 20 each of "T's" cellular phones at (604)308-6982 and (604)308-1602 on January 16, 2004, the
 21 day before the January 17, 2004 load.

22 9. Phone records show that Sarandi received 8 calls and missed 9 calls from "T" at
 23 (604)308-6982, on January 16, 2004, the day before the January 17, 2004 load.

24 10. Sarandi has since been sentenced to 37 months of imprisonment in Federal
 25 Prison for his participation in the January 17, 2004 marijuana smuggling load. Grakul was
 26 sentenced to time served for his cooperation with the United States Attorney's Office.

27 11. On May 12, 2004, at approximately 2:30 am, ICE agents working with US
 28 Border Patrol Agents, observed five individuals enter the United States from "O" Avenue in

1 Canada. The five were observed carrying six hockey bags. At approximately 4:45 am,
 2 agents observed the hockey bags being loaded into a Ford Freestar rental van near the
 3 intersection of H Street and Weidkamp Road in Lynden, WA. As agents attempted to arrest
 4 the subjects, the van fled south on Weidkamp Road and was subsequently disabled utilizing
 5 spike strips. Two subjects were arrested fleeing the vehicle containing the marijuana, and
 6 three subjects were arrested on foot while attempting to flee to Canada. A sixth subject was
 7 tracked north through the fields by IBET Agents and was later arrested by RCMP on "0"
 8 Avenue in Canada.

9 12. A total of five subjects were arrested in the United States. The driver of the
 10 Ford Freestar was identified as Peter Nguyen, and the passenger was identified as Minh Cao.
 11 The three subjects that attempted to flee on foot back to Canada are Ivan Phan, Leonard
 12 Lagos, and Tony Huynh, all are Canadian Citizens.

13 13. During the post arrest interviews, Minh Cao, Tony Huynh, and Ivan Phan all
 14 admitted they were smuggling the marijuana for Thuy Cong Dinh, known to them as "T."
 15 They were all supposed to be paid between \$500-2500 Canadian Dollars if the load was
 16 successful. A debriefing of the 3 cellular phones seized that day all have in common "T's" 2
 17 cellular numbers listed as "T Cell 1 (604)308-6982" and "T's Cell 2 (604)308-1602", as well
 18 as THANH CONG DINH listed as (778)552-2990.

19 14. Leonard Lagos stated during his post arrest interview that "THANH" called him
 20 at approximately 10 p.m. that night and asked for him to do this load. Lagos advised that
 21 THANH CONG DINH was to pay him \$1,500 to hike the hockey bags into the United States
 22 and drop it off in the woods. Lagos was helpful in identifying "T" as the big boss and
 23 "THANH" as "T's" little brother and right hand man in organizing loads.

24 15. On June 10, 2004, Minh Cao proffered information with ICE SA Dave Than at
 25 the Public Defender's Office in Seattle, WA. The following information was provided:

26 16. Cao stated that on the morning of May 11, 2004, Peter Nguyen called him and
 27 asked him to come to his home. Cao picked up Tony Huynh on his way and they arrived at
 28 3292 Siskin Drive, Abbotsford, at approximately 1:00 p.m., where Nguyen currently resides

1 with his cousins Thuy Cong Dinh and THANH CONG DINH.

2 17. While at the residence, Cao met with Dinh Cong Le, a major marijuana and
 3 cocaine distributor that Thuy Cong Dinh is associated with. Cao advised that Dinh Le arrived
 4 at the residence in a silver 2003 Honda Accord at approximately 1:30 a.m. on the morning of
 5 May 12, 2004 with an unidentified Vietnamese male approximately 30 years old. When Le
 6 arrived he said "lets go" and Cao along with Tony Huynh, Leonard Lagos, THANH CONG
 7 DINH, "T", Ivan Phan, and John Bustos left and went outside where a white cargo van was
 8 awaiting fully loaded with nearly 300 pounds of marijuana.

9 18. Cao advised that "T" drove the lead vehicle, a white 1998 Honda Accord Coupe
 10 to the smuggling trail on "0" Avenue in Canada. Cao stated that THANH CONG DINH
 11 drove the silver Honda CRV that carried the five individuals (Lagos, Huynh, Cao, Phan, and
 12 John Bustos, who was later arrested and released in Canada) who would end up smuggling the
 13 load into the United States. Cao advised that there were a total of six hockey bags. Cao also
 14 advised that "T" is currently on probation and home detention for a January 2004 drug charge
 15 in Canada. Once across the border, five individuals were arrested, and 300 pounds of
 16 marijuana was seized. However, THANH CONG DINH escaped authorities in Canada.
 17 Bustos had also eluded agents and made it successfully back to Canada through the woods that
 18 night.

19 19. Customs and Border Protection Records show on September 23, 2004 at
 20 approximately 7:52 a.m., THANH CONG DINH along with Tri Thi Mai entered the United
 21 States at the Sumas Port of Entry in Sumas, WA driving a red 1991 Toyota Tercel BC license
 22 928FGW. Agents followed them and at approximately 1:30 p.m., they were observed at the
 23 Best Western Hotel near Southcenter. ICE Agents contacted DINH and placed him under
 24 arrest for his participation in the May 12, 2004 smuggling load that resulted in ICE Agents
 25 seizing approximately 300 pounds of marijuana.

26 20. DINH was read his Miranda warnings prior to a post arrest interview at the
 27 Renton Police Department. He admitted to agents that he had come down to Seattle to
 28 participate in a 50 pound marijuana load. DINH gave agents a description of the vehicle that

1 was supposed to meet him with the marijuana that was to be delivered. ICE agents located a
2 vehicle fitting the exact description given by DINH in the Southcenter area. A search of the
3 vehicle revealed two black gym bags in the trunk consisting of approximately 50 pounds of
4 BC Bud Marijuana. The marijuana was seized and taken into custody by ICE agents.

5 21. Based on my training, experience and investigation and the investigation of other
6 law enforcement personnel, I have reason to believe that there is probable cause that THANH
7 CONG DINH committed acts in violation of Title 21, United States Code, Sections 841(a)(1),
8 841(b)(1)(B) and 846.

9
10 
11 MARK ALBEDYLL, Special Agent
12 Bureau of Immigration and Customs Enforcement

13 Complaint and affidavit sworn to before me and subscribed in my presence,
14 September 24, 2004.

15 
16 MARY ALICE THEILER
17 United States Magistrate Judge